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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,540	03/31/2004	Leo Tat Man Lau	CA920030106US1	9987
23373 7590 04/04/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER HO, BINH VAN	
			ART UNIT 2163	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/816,540

Applicant(s)

LAU ET AL.

Examiner

Binh V. Ho

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/31/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This is a response to amendment filed 01/04/2007.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodman (U.S 2006/0059253).

(Claims 1, 5, and 8)

Goodman discloses in figures 4, 10, 11, and 18, for a database server, a computer program product for directing the database server to selectively releasing database system resources associated with a database system operatively coupled with the database server, the database server accessible by applications, the computer program product comprising: a computer usable medium having computer readable program code embodied in said medium, the computer readable program code comprising: computer readable program code for receiving requests from one or more applications, computer readable program code for determining whether a specified application is submitting requests using an online protocol, and computer readable program code for returning defined error condition indicators to the specified

application when the application is determined to be using the online protocol and when identified system resources are determined to be scarce, whereby the specified application issues a commit when it is using the online protocol and one of the defined error condition indicators is returned to the application (Paragraph [0006], [0009], [0010], [0015], [0160]-[0164], [0195]-[0198], [0264], [0421], [0446], [0447], [0533], [0535], [0541]-[0544], [0552]-[0554], [0559], [0590], [0640]-[0642], [0669], and [0670]).

(Claim 2)

Goodman discloses in figures 10, and 11, the identified system resources including one or more of log tables and locks (Paragraph [0144], [0164], [0199], [0304], [0305], [0310], [0413], [0414], [0416], [0470], [0540], [0638], [0640], [0641], and [0643]).

(Claims 3, 4, 6-7, and 9-10)

Goodman discloses in figures 4, 10, and 11, the computer readable program code for determining whether the specified application being submitting the requests using the online protocol is carried out by the database server receiving a request specifying that the online protocol is to be used and consequently setting an online flag in the database server (Paragraph [0244], [0467], [0544], [0546], [554], [0570], [0575], [0577], [0589], [0590], [0642], [0668], [0675], [0679], [0705]-[0707], [0712], [0730] and [0743]).

### Response To The Arguments

4. Applicant's arguments filed on 05/09/2006 have been fully considered. Applicant made the following arguments:

Accordingly, Applicant submits that, "Goodman is mainly concerned of setting up a complex netcentric computing system, only a small part of which is related to databases. The database transaction described in Goodman merely rolls back the transaction in the case of an update failure on any one resource, and commits the transaction when all resources for a transaction are updated successfully. Whereas, claim 1 requires more than merely committing or rolling back data. Claim 1 recites that the specified application issues a commit when it is using the online protocol and one of the defined error condition indicators is returned to the application. Goodman fails to teach or suggest the above feature of claim 1. Accordingly, claim 1 is not anticipated by Goodman."

The Examiner respectfully disagreed with the Applicant's argument above, since Goodman discloses "online protocol: *File Transfer Protocol (FTP) allows users to upload and download files across the network in paragraph [0541] or Hypertext Transfer Protocol (HTTP) within a web-based environment in paragraph [0542] also in paragraph [0015], [0421], [0511], [0533], [0540], [0543], [0546], [0553], [0554], [0558], [0559], [0563], [0568]; error condition indicators: ....the logging of informational, error and warning messages....in paragraph [0640] also in paragraph [0305], [0787]*".

***Conclusion***

5. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

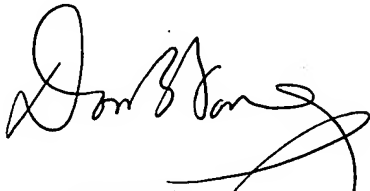
### **Inquiry**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho  
Examiner  
Art Unit 2163

  
DON WONG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100